THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NOS. 23793, 22633 &18718 OF 2005

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Dated: 01-12-2005

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W.P.No.23793 of 2005

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M/s. Prabhakar Hybrid Seeds, rep. by the Authorized Signatory, N. Naga Phanesh, S/o. Krishna Murthy, Manager (Accounts & Administration), Regional Office at 51/128-A, Sriram Nagar,
Rayachoty – 516 269 (AP), Kadapa District.

…PETITIONER

AND

Government of Andhra Pradesh, Rep. by the Principal Secretary, Agriculture and Cooperation (Marketing) Department, Secretariat, Hyderabad and others.

…RESPONDENTS

W.P.No.22633 of 2005

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Bisco Seedtec Pvt. Ltd., Rep. by the Authorized Signatory, Niranjan Agarwal S/o. Sri Babulal Agarwal, Manager (Accounts & Finance), 31-4A,Bharani Complex, Minister Road, Secunderabad – 500 003.

…PETITIONER

AND

Government of Andhra Pradesh, Rep. by the Principal Secretary, Agriculture and Cooperation (Marketing) Department, Secretariat, Hyderabad and others.

…RESPONDENTS

W.P.No.18718 of 2005

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M/s. Annapurna Seeds, a partnership firm, rep. by the Managing Partner, P. Murali Moham, S/o. Chandra Sekahr Rao, D.No.2-3, Vasanthawada Village, Pedapadu Mandal, West Godavari District.

…PETITIONER

AND

Government of Andhra Pradesh, Rep. by the Principal Secretary, Agriculture and Cooperation (Marketing) Department, Secretariat, Hyderabad and others.

…RESPONDENTS

COMMON ORDER:

The counsel appearing for the respective parties submit that the subject matter of these writ petitions is squarely covered by the judgment of this Court in **ADVANTA INIDA LIMITED v. STATE OF ANDHRA PRADESH**.

Following the aforesaid judgment all these writ petitions are disposed of with the following directions:

a. Seeds developed and manufactured by the petitioners and sold as certified or labeled seeds, are not subject to levy of market fee, and the demand notices issued therefore are set aside.

b. Vegetable seeds are not covered by the provisions of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966, and are not subject to levy of market fee.

c. Such part of the product, grown out of foundation seed, by a farmer, chosen by the seed manufacturers, as is not sold and used as seed, shall be liable to be levied the market fee. For this purpose, the Executive Heads of the Market Committees, shall be entitled to require the Seed Manufacturers, operating within the notified area, to furnish the relevant particulars and take consequential steps.

However, insofar as the aforesaid direction (C) is concerned the respondents are under obligation to examine the relevant particulars that may be furnished by the petitioners in support of their claim that the agricultural produce in question is grown out of the foundation seed. If the petitioners are able to place relevant material in this regard, the concerned product shall not be liable for levying market fee. There shall be no order as to costs.

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V. ESWARAIAH, J

December 1, 2005

DSK